

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

KELAANI AB DUS SAMIIA

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:09-cv-197-HSO-JMR

SHERIFF DAVID ALLISON

DEFENDANT

**ORDER ADOPTING REPORT AND RECOMMENDATIONS TO GRANT
DEFENDANT'S MOTION TO DISMISS, OR IN THE ALTERNATIVE, FOR
SUMMARY JUDGMENT AND QUALIFIED IMMUNITY**

This cause comes before the Court on the Report and Recommendations [36-1] of Chief United States Magistrate Judge John M. Roper entered in this cause on September 2, 2010. The Magistrate Judge reviewed the pleadings on file and determined that based on the record, Defendant David Allison's Motion to Dismiss, or in the Alternative, for Summary Judgment and for Qualified Immunity [31-1] should be granted. To date, Plaintiff has filed no objections to the Report and Recommendations. The record reflects that Plaintiff signed for receipt of the Report and Recommendations. This receipt was docketed on October 6, 2010 [37-1].

Where no party has objected to the Magistrate Judge's Report and Recommendations, the Court need not conduct a *de novo* review of them. *See* 28 U.S.C. § 636(b)(1) ("a judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only review the Report and Recommendations and determine whether they are either clearly erroneous or contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Having conducted the required review, the Court finds that the Magistrate Judge's Report and Recommendations thoroughly considered all issues, and were neither clearly erroneous, nor contrary to law. The Court, being fully advised in the premises, finds that the Magistrate Judge properly recommended that Defendant David Allison's Motion to Dismiss, or in the Alternative, for Summary Judgment and for Qualified Immunity should be granted. Therefore, said Report and Recommendations should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that, the Report and Recommendations [36-1] of Chief United States Magistrate Judge John M. Roper entered in this cause on September 2, 2010, should be, and the same hereby are, adopted as the findings of this Court. The Court will enter a final judgment in accordance with the Rules.

SO ORDERED AND ADJUDGED, this the 20th day of October, 2010.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE